

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PURDUE PHARMA L.P., *et al.*,¹

Debtors.

)
) Chapter 11
)

) Case No. 19-23649 (RDD)
)

) Jointly Administered
)

**THIRD SUPPLEMENTAL DECLARATION OF ARIK PREIS IN SUPPORT OF THE
APPLICATION OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS OF
PURDUE PHARMA L.P., ET AL. TO RETAIN AND EMPLOY AKIN GUMP STRAUSS
HAUER & FELD LLP AS COUNSEL, NUNC PRO TUNC TO SEPTEMBER 26, 2019**

Pursuant to 28 U.S.C. § 1746 and Rule 2014(a) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), I, Arik Preis, hereby declare as follows:

1. I am an attorney admitted to practice in the State of New York and the United States District Court for the Southern District of New York. I am a partner at the firm of Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”). Akin Gump maintains offices at, among other places, One Bryant Park, New York, New York 10036. There are no disciplinary proceedings pending against me.

2. I am familiar with the matters set forth herein and make this supplemental declaration (the “Third Supplemental Declaration”) in connection with the *Application of the Official Committee of Unsecured Creditors* (the “Official Committee”) of *Purdue Pharma L.P., et al. to Retain and Employ Akin Gump Strauss Hauer & Feld LLP as Counsel, Nunc Pro Tunc to*

¹ The Debtors in these cases, along with the last four digits of each Debtor’s registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF L.P. (0495), SVC Pharma L.P. (5717) and SVC Pharma Inc. (4014). The Debtors’ corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

September 29, 2019 [ECF No. 421] (the “Application”)² filed on November 5, 2019, my initial declaration attached as Exhibit B to the Application (the “Initial Declaration”), the *Supplemental Declaration of Arik Preis in Support of the Application of the Official Committee of Unsecured Creditors of Purdue Pharma L.P., et al. to Retain and Employ Akin Gump Strauss Hauer & Feld LLP as Counsel*, Nunc Pro Tunc, to *September 26, 2019* [ECF No. 1336] and the *Second Supplemental Declaration of Arik Preis in Support of the Application of the Official Committee of Unsecured Creditors of Purdue Pharma L.P., et al. to Retain and Employ Akin Gump Strauss Hauer & Feld LLP as Counsel*, Nunc Pro Tunc, to *September 26, 2019* [ECF No. 1564].

3. As set forth in the Application, which was granted by this Court on November 21, 2019 [ECF No. 522], Akin Gump committed to file a supplemental declaration pursuant to Bankruptcy Rule 2014 to the extent it became aware of new information that was relevant to the Application and merited disclosure. *See* Initial Declaration ¶ 20. Accordingly, in connection with Akin Gump’s representation of the Official Committee,³ I submit this Third Supplemental Declaration to provide the additional disclosure set forth herein.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

³ On September 26, 2019, pursuant to Bankruptcy Code section 1102, the U.S. Trustee appointed nine members to sit on the Official Committee. *See Appointment of Official Committee of Unsecured Creditors* [ECF No. 131]. As originally constituted, the Official Committee comprised the following members: (i) The Blue Cross and Blue Shield Association; (ii) CVS Caremark Part D Services L.L.C. and CaremarkPCS Health, L.L.C.; (iii) Ryan Hampton; (iv) Cheryl Juare; (v) LTS Lohmann Therapy Systems, Corp.; (vi) Pension Benefit Guaranty Corporation; (vii) Walter Lee Salmons; (viii) Kara Trainor; and (ix) West Boca Medical Center. *Id.* The Official Committee currently also includes three *ex officio* members: (x) Cameron County, Texas, on behalf of approximately 1,222 entities, including 1,172 cities, counties and other governmental entities, seven Native American tribal nations, six hospitals, two districts, 34 medical groups, two funds, and one veterans’ class across 36 states, representing the interests of approximately 60,000,000 individuals; (y) the Cheyenne and Arapaho tribes, on behalf of certain Native American Tribes and Native American affiliated creditors; and (z) Thornton Township High School District 205 on behalf of certain public school districts. *See Second Amended Verified Statement of the Official Committee of Unsecured Creditors of Purdue Pharma L.P., et al. Pursuant to Bankruptcy Rule 2019 to Disclose Addition of Third Ex Officio Member* [ECF No. 1294].

Specific Disclosure

4. On October 27, 2020, the United States Trustee for Region 3 appointed an Official Committee of Opioid-Related Claimants (the “Mallinckrodt Opioid Committee”) in the chapter 11 cases of Mallinckrodt plc and its affiliated debtors (collectively, the “Mallinckrodt Debtors”), which cases are pending before the United States Bankruptcy Court for the District of Delaware (the “Delaware Court”). *See Notice of Appointment of Opioid Related Claimants, In re Mallinckrodt plc, et al.*, Case No. 20-12522 (JTD) [ECF No. 308] (Bankr. D. Del. Oct. 27, 2020). The Mallinckrodt Debtors include multiple entities that were named as co-defendants with the Debtors in various prepetition lawsuits arising from the opioid crisis, and such entities may hold contingent common law contribution claims against the Debtors. In addition, the Debtors may hold contingent common law contribution claims against the Mallinckrodt Debtors.

5. The Mallinckrodt Opioid Committee has selected Akin Gump as its proposed counsel, effective as of October 27, 2020, subject to approval by the Delaware Court. Akin Gump currently is engaged in conflict checks and anticipates filing an application to be retained by the Mallinckrodt Opioid Committee in the near future. For the avoidance of doubt, in the Debtors’ chapter 11 cases, Akin Gump does not represent any Mallinckrodt Debtor. In addition, in the Debtors’ chapter 11 cases, Akin Gump will abstain from being involved in any matters related to any of the Mallinckrodt Debtors’ claims (if any) against any of the Debtors. Similarly, in the Mallinckrodt chapter 11 cases, Akin Gump will abstain from being involved in any matters related to any of the Debtors’ claims (if any) against any of the Mallinckrodt Debtors.

6. I do not believe that Akin Gump’s engagement on behalf of the Mallinckrodt Opioid Committee precludes Akin Gump from meeting the requirement of Bankruptcy Code section 1103(b) that an attorney may not “represent any other entity having an adverse interest in

connection with the case.”

7. Akin Gump has discussed its proposed representation of the Official Committee and the Mallinckrodt Opioid Committee with counsel to the Debtors in these cases and counsel to the Mallinckrodt Debtors in the Mallinckrodt cases.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief on this 1st day of November, 2020.

/s/ Arik Preis

Name: Arik Preis